IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 15564 of 1993

Between:

Valavala Suryanarayana, S/o. Venkateswara Rao,
President of: Sri Venkateswara alluninium Industrial
Co-Operative Society Ltd., Tadepalle gudem,W.G.Dsit.

..... PETITIONER

AND

1 Khadi & Village Industries Commission, No.3,

Irla Road,Vilepoule(West),Bombay-400 056,
rep.by it's State Branch, Gandhi Bhavan,Mohanja Road,
Hyderabad -500 001.
2 Chief Executive Officer, A.P.Khadi & Village Industries Board,
Humayan Nagar, Hyderabad.
3 General Manager, Dist. Industries centre,
Eluru, W.G.Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a direction or order or orders particularly one in the nature of writ of mandamus to declare the order of the Chief executive Officer in his proceedings no.D2/ALM/Venkateswara/W.G.,dt.20.9.93 as illegal and against the very object of Rural Engineering industry under the scheme of A.P.K.V.I.B./Commission and Arts 19&21 of the Constitution of India and also violation of principles of Natural justice and fair play.

Counsel for the Petitioner: MR.A.V.V.S.N.MURTHY

Counsel for the Respondent No.1 & 2: Ms.N.NAGA VANI PRASUNA

Counsel for the Respondent No.3 : None appeared.

The Court made the following :

ORDER:

Heard the learned counsel for the petitioner. Perused the averments made in the affidavit filed in support of the writ petition and the counter affidavit. From the affidavit filed by the writ petitioner, it appears that he is aggrieved by the proceedings of the 2nd respondent bearing No.D2/ALM/Venkateswara/W.G., dated 20-09-1993.

2. By the impugned proceedings it appears that the 2nd respondent requested the 3rd respondent to visit the petitioner's unit in order to forward a detailed report regarding the utilization of the funds and stock position as on 30-09-1993, with a further request to the 3rd respondent to furnish two separate lists of raw materials and finished goods with their value.

3. From the facts, it appears that the petitioner was sanctioned a temporary working capital of Rs.10 lakhs by the 2nd respondent. It has to be utilized in a particular manner, and the same has to be repaid subject to certain conditions. It appears from the counter-affidavit of the respondents 1 and 2 that the said Rs.10 lakhs, which was sanctioned towards additional working capital was not repaid by the petitioner as agreed and hence, the respondents are at liberty to recover the same.

4. It is further averred in the counter-affidavit that respondents never questioned the functioning of the society and the only concern of the respondents was to recover the amount sanctioned to the petitioner towards additional working capital.

5. From the impugned proceedings, it could be seen that the respondents had only asked certain particulars as indicated, above already. No action prejudicial to the

interests of the petitioner was initiated by the respondents. As could be seen from the impugned order, only a request had been made by the 2nd respondent to furnish certain particulars. Once a request is made to the petitioner to furnish the required particulars, the petitioner cannot have any objection to furnish such particulars to the satisfaction of the respondents. No apparent prejudice or hardship is caused to the petitioner as could be seen from the impugned proceedings.

6. The writ petition, for the foregoing reasons is devoid of merit and the same is accordingly dismissed. The interim stay granted by this Court earlier shall stand vacated. No costs.

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30-07-2004

vs

To

1 Khadi & Village Industries Commission, No.3,

Irla Road,Vilepoule(West),Bombay-400 056,
rep.by it's State Branch, Gandhi Bhavan,Mohanja Road,
Hyderabad -500 001.

2 Chief Executive Officer, A.P.Khadi & Village Industries Board,
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3 General Manager, Dist. Industries centre,
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4. Two CD copies.

THE HON'BLE MR JUSTICE D.S.R.VARMA

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Dated: 30-07-2004